

## Wage and Hour FAQs

### **How many hours of work per week is considered full time and how many hours of work per week is time considered part time?**

The criteria for full and part time employee status are not covered by Hawaii's wage laws. The designation of full- or part-time employee status is at the discretion of the employer. If you work at least 20 hours a week there are obligations for your employer to provide certain benefits under the Pre-paid Health Care Law (Chapter 383, Hawaii Revised Statutes. For more on this Law see <http://www.hawaii.gov/labor/dcd/index.shtml>

For your information, Hawaii's wage laws may be viewed on the Department of Labor and Industrial Relations (DLIR) website at <http://www.hawaii.gov/labor/wsd/index.shtml>.

### **What are the labor law that governs meal breaks? What are the rest periods between 8 hr work shifts?**

In Hawaii, the only requirement for breaks is found in Chapter 390, Hawaii Revised Statutes, Child Labor Law, which requires employers to provide at least a thirty minute rest or meal period after five consecutive hours of work for fourteen- and fifteen-year-old minors. An employer's policy would determine whether or not breaks are provided for other employees. There is no State law that requires a minimum number of hours in which an employer must provide an employee between their daily 8 hour work shifts.

We recommend that you contact the nearest office of the U.S. Department of Labor, Wage and Hour Division, for information on federal laws. The Hawaii office can be reached at (808) 541-1361.

For your information, Hawaii's wage laws may be viewed on the Department of Labor and Industrial Relations (DLIR) website at <http://www.hawaii.gov/labor/wsd/index.shtml>.

### **What is the definition of a salaried employee? Can they be docked pay if they do not work 40 hours a week, even if they worked on Saturdays, Sundays or a Holiday?**

Under Section 387-3(1), Hawaii Revised Statutes (HRS), Wage and Hour Law, "salary" means a predetermined wage, exclusive of the reasonable cost of board, lodging, or other facilities, at which an employee is employed.

Under Section 387-1, HRS, an individual in any capacity who receives a guaranteed compensation of \$2,000.00 or more per month, whether paid weekly, biweekly or monthly, or an individual in a bona fide executive, administrative, supervisory or professional capacity, and as defined under Sections 12-20-2 to 12-20-5, Hawaii Administrative Rules, is exempt from the minimum wage, overtime, and record keeping provisions of the law.

When a salaried employee works less than the agreed or required weekly hours due to absence or termination, the employer may prorate the employee's salary the wages due for that pay period. I further recommend that you contact the U.S. Department of Labor, Wage and Hour Division, at (808) 541-1361, or view their web site at <http://www.dol.gov/esa/whd/> to determine the applicability of federal Fair Labor Standard Act to your situation.